

Union Calendar No. 356

106TH CONGRESS
2D SESSION**H.R. 4578****[Report No. 106-646]**

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2000

Mr. REGULA, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of the Interior and related agencies for the
6 fiscal year ending September 30, 2001, and for other pur-
7 poses, namely:

1 SEC. 120. The Great Marsh Trail at the Mason Neck
2 National Wildlife Refuge in Virginia is hereby named for
3 Joseph V. Gartlan, Jr. and shall hereafter be referred to
4 in any law, document, or records of the United States as
5 the “Joseph V. Gartlan, Jr. Great Marsh Trail”.

6 SEC. 121. Funds appropriated for the Bureau of In-
7 dian Affairs for postsecondary schools for fiscal year 2001
8 shall be allocated among the schools proportionate to the
9 unmet need of the schools as determined by the Postsec-
10 ondary Funding Formula adopted by the Office of Indian
11 Education Programs.

12 SEC. 122. None of the funds in this Act may be ex-
13 pended by the United States Fish and Wildlife Service to
14 establish a National Wildlife Refuge in the Yolo Bypass
15 of California.

16 TITLE II—RELATED AGENCIES

17 DEPARTMENT OF AGRICULTURE

18 FOREST SERVICE

19 FOREST AND RANGELAND RESEARCH

20 For necessary expenses of forest and rangeland re-
21 search as authorized by law, \$224,966,000, to remain
22 available until expended.

23 STATE AND PRIVATE FORESTRY

24 For necessary expenses of cooperating with and pro-
25 viding technical and financial assistance to States, terri-

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed \$500,000.

Section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–61) is amended by adding at the end the following new subsection:

“(c) TRANSITION.—Until September 30, 2002, the Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority, before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, regarding procurement of property, services, supplies, and equipment.”.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, \$67,000,000 shall not be available until October 1, 2001: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

ENERGY RESOURCE, SUPPLY AND EFFICIENCY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out energy conservation activities and for fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, \$1,139,611,000, to remain available until expended, of which \$2,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: *Provided*, That \$153,500,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: \$120,000,000 for weatherization assistance grants and \$33,500,000 for State energy

1 conservation grants: *Provided further*, That no part of the
2 sum herein made available shall be used for the field test-
3 ing of nuclear explosives in the recovery of oil and gas.

4 ALTERNATIVE FUELS PRODUCTION

5 (RESCISSION)

6 Of the unobligated balances under this head,
7 \$1,000,000 are rescinded.

8 NAVAL PETROLEUM AND OIL SHALE RESERVES

9 The requirements of 10 U.S.C. 7430(b)(2)(B) shall
10 not apply to fiscal year 2001 and any fiscal year there-
11 after: *Provided*, That, notwithstanding any other provision
12 of law, unobligated funds remaining from prior years shall
13 be available for all naval petroleum and oil shale reserve
14 activities.

15 ELK HILLS SCHOOL LANDS FUND

16 For necessary expenses in fulfilling the third install-
17 ment payment under the Settlement Agreement entered
18 into by the United States and the State of California on
19 October 11, 1996, as authorized by section 3415 of Public
20 Law 104–106, \$36,000,000, to become available on Octo-
21 ber 1, 2001 for payment to the State of California for
22 the State Teachers' Retirement Fund from the Elk Hills
23 School Lands Fund.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, \$1,992,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$157,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$72,368,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

1 None of the funds made available to the Department
2 of Energy under this Act shall be used to implement or
3 finance authorized price support or loan guarantee pro-
4 grams unless specific provision is made for such programs
5 in an appropriations Act.

6 The Secretary is authorized to accept lands, build-
7 ings, equipment, and other contributions from public and
8 private sources and to prosecute projects in cooperation
9 with other agencies, Federal, State, private or foreign:
10 *Provided*, That revenues and other moneys received by or
11 for the account of the Department of Energy or otherwise
12 generated by sale of products in connection with projects
13 of the Department appropriated under this Act may be
14 retained by the Secretary of Energy, to be available until
15 expended, and used only for plant construction, operation,
16 costs, and payments to cost-sharing entities as provided
17 in appropriate cost-sharing contracts or agreements: *Pro-*
18 *vided further*, That the remainder of revenues after the
19 making of such payments shall be covered into the Treas-
20 ury as miscellaneous receipts: *Provided further*, That any
21 contract, agreement, or provision thereof entered into by
22 the Secretary pursuant to this authority shall not be exe-
23 cuted prior to the expiration of 30 calendar days (not in-
24 cluding any day in which either House of Congress is not
25 in session because of adjournment of more than three cal-

1 endar days to a day certain) from the receipt by the
2 Speaker of the House of Representatives and the Presi-
3 dent of the Senate of a full comprehensive report on such
4 project, including the facts and circumstances relied upon
5 in support of the proposed project.

6 No funds provided in this Act may be expended by
7 the Department of Energy to prepare, issue, or process
8 procurement documents for programs or projects for
9 which appropriations have not been made.

10 In addition to other authorities set forth in this Act,
11 the Secretary may accept fees and contributions from pub-
12 lic and private sources, to be deposited in a contributed
13 funds account, and prosecute projects using such fees and
14 contributions in cooperation with other Federal, State or
15 private agencies or concerns.

16 DEPARTMENT OF HEALTH AND HUMAN
17 SERVICES

18 INDIAN HEALTH SERVICE

19 INDIAN HEALTH SERVICES

20 For expenses necessary to carry out the Act of Au-
21 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
22 tion Act, the Indian Health Care Improvement Act, and
23 titles II and III of the Public Health Service Act with re-
24 spect to the Indian Health Service, \$2,084,178,000, to-
25 gether with payments received during the fiscal year pur-

1 authorized by section 104(d) of the Act: *Provided*, That
2 such costs, including the cost of modifying such loans,
3 shall be as defined in section 502 of the Congressional
4 Budget Act of 1974: *Provided further*, That these funds
5 are available to subsidize total loan principal, any part of
6 which is to be guaranteed, not to exceed \$200,000,000.
7 The Trust is authorized to issue obligations to the Sec-
8 retary of the Treasury pursuant to section 104(d)(3) of
9 the Act, in an amount not to exceed \$10,000,000.

10 TITLE III—GENERAL PROVISIONS

11 SEC. 301. The expenditure of any appropriation
12 under this Act for any consulting service through procure-
13 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
14 to those contracts where such expenditures are a matter
15 of public record and available for public inspection, except
16 where otherwise provided under existing law, or under ex-
17 isting Executive order issued pursuant to existing law.

18 SEC. 302. No part of any appropriation under this
19 Act shall be available to the Secretary of the Interior or
20 the Secretary of Agriculture for the leasing of oil and nat-
21 ural gas by noncompetitive bidding on publicly owned
22 lands within the boundaries of the Shawnee National For-
23 est, Illinois: *Provided*, That nothing herein is intended to
24 inhibit or otherwise affect the sale, lease, or right to access
25 to minerals owned by private individuals.

1 SEC. 303. No part of any appropriation contained in
2 this Act shall be available for any activity or the publica-
3 tion or distribution of literature that in any way tends to
4 promote public support or opposition to any legislative
5 proposal on which congressional action is not complete.

6 SEC. 304. No part of any appropriation contained in
7 this Act shall remain available for obligation beyond the
8 current fiscal year unless expressly so provided herein.

9 SEC. 305. None of the funds provided in this Act to
10 any department or agency shall be obligated or expended
11 to provide a personal cook, chauffeur, or other personal
12 servants to any officer or employee of such department
13 or agency except as otherwise provided by law.

14 SEC. 306. No assessments may be levied against any
15 program, budget activity, subactivity, or project funded by
16 this Act unless advance notice of such assessments and
17 the basis therefor are presented to the Committees on Ap-
18 propriations and are approved by such committees.

19 SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN
20 ACT.—None of the funds made available in this Act may
21 be expended by an entity unless the entity agrees that in
22 expending the funds the entity will comply with sections
23 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–
24 10c; popularly known as the “Buy American Act”).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in

1 this Act, pursuant to the debarment, suspension, and ineli-
2 gibility procedures described in sections 9.400 through
3 9.409 of title 48, Code of Federal Regulations.

4 (d) EFFECTIVE DATE.—The provisions of this sec-
5 tion are applicable in fiscal year 2000 and thereafter.

6 SEC. 308. None of the funds in this Act may be used
7 to plan, prepare, or offer for sale timber from trees classi-
8 fied as giant sequoia (*Sequoiadendron giganteum*) which
9 are located on National Forest System or Bureau of Land
10 Management lands in a manner different than such sales
11 were conducted in fiscal year 2000.

12 SEC. 309. None of the funds made available by this
13 Act may be obligated or expended by the National Park
14 Service to enter into or implement a concession contract
15 which permits or requires the removal of the underground
16 lunchroom at the Carlsbad Caverns National Park.

17 SEC. 310. None of the funds appropriated or other-
18 wise made available by this Act may be used for the
19 AmeriCorps program, unless the relevant agencies of the
20 Department of the Interior and/or Agriculture follow ap-
21 propriate reprogramming guidelines: *Provided*, That if no
22 funds are provided for the AmeriCorps program by the
23 Departments of Veterans Affairs and Housing and Urban
24 Development, and Independent Agencies Appropriations
25 Act, 2001, then none of the funds appropriated or other-

1 wise made available by this Act may be used for the
2 AmeriCorps programs.

3 SEC. 311. None of the funds made available in this
4 Act may be used: (1) to demolish the bridge between Jer-
5 sey City, New Jersey, and Ellis Island; or (2) to prevent
6 pedestrian use of such bridge, when it is made known to
7 the Federal official having authority to obligate or expend
8 such funds that such pedestrian use is consistent with gen-
9 erally accepted safety standards.

10 SEC. 312. (a) LIMITATION OF FUNDS.—None of the
11 funds appropriated or otherwise made available pursuant
12 to this Act shall be obligated or expended to accept or
13 process applications for a patent for any mining or mill
14 site claim located under the general mining laws.

15 (b) EXCEPTIONS.—The provisions of subsection (a)
16 shall not apply if the Secretary of the Interior determines
17 that, for the claim concerned: (1) a patent application was
18 filed with the Secretary on or before September 30, 1994;
19 and (2) all requirements established under sections 2325
20 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
21 for vein or lode claims and sections 2329, 2330, 2331,
22 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
23 37) for placer claims, and section 2337 of the Revised
24 Statutes (30 U.S.C. 42) for mill site claims, as the case

1 may be, were fully complied with by the applicant by that
2 date.

3 (c) REPORT.—On September 30, 2001, the Secretary
4 of the Interior shall file with the House and Senate Com-
5 mittees on Appropriations and the Committee on Re-
6 sources of the House of Representatives and the Com-
7 mittee on Energy and Natural Resources of the Senate
8 a report on actions taken by the Department under the
9 plan submitted pursuant to section 314(c) of the Depart-
10 ment of the Interior and Related Agencies Appropriations
11 Act, 1997 (Public Law 104–208).

12 (d) MINERAL EXAMINATIONS.—In order to process
13 patent applications in a timely and responsible manner,
14 upon the request of a patent applicant, the Secretary of
15 the Interior shall allow the applicant to fund a qualified
16 third-party contractor to be selected by the Bureau of
17 Land Management to conduct a mineral examination of
18 the mining claims or mill sites contained in a patent appli-
19 cation as set forth in subsection (b). The Bureau of Land
20 Management shall have the sole responsibility to choose
21 and pay the third-party contractor in accordance with the
22 standard procedures employed by the Bureau of Land
23 Management in the retention of third-party contractors.

24 SEC. 313. Notwithstanding any other provision of
25 law, amounts appropriated to or earmarked in committee

1 reports for the Bureau of Indian Affairs and the Indian
2 Health Service by Public Laws 103–138, 103–332, 104–
3 134, 104–208, 105–83, 105–277, and 106–113 for pay-
4 ments to tribes and tribal organizations for contract sup-
5 port costs associated with self-determination or self-gov-
6 ernance contracts, grants, compacts, or annual funding
7 agreements with the Bureau of Indian Affairs or the In-
8 dian Health Service as funded by such Acts, are the total
9 amounts available for fiscal years 1994 through 2000 for
10 such purposes, except that, for the Bureau of Indian Af-
11 fairs, tribes and tribal organizations may use their tribal
12 priority allocations for unmet indirect costs of ongoing
13 contracts, grants, self-governance compacts or annual
14 funding agreements.

15 SEC. 314. Notwithstanding any other provision of
16 law, for fiscal year 2001 the Secretaries of Agriculture and
17 the Interior are authorized to limit competition for water-
18 shed restoration project contracts as part of the “Jobs in
19 the Woods” component of the President’s Forest Plan for
20 the Pacific Northwest, or the Jobs in the Woods Program
21 established in Region 10 of the Forest Service to individ-
22 uals and entities in historically timber-dependent areas in
23 the States of Washington, Oregon, northern California
24 and Alaska that have been affected by reduced timber har-
25 vesting on Federal lands.

1 SEC. 315. None of the funds collected under the Rec-
2 reational Fee Demonstration program may be used to
3 plan, design, or construct a visitor center or any other per-
4 manent structure without prior approval of the House and
5 the Senate Committees on Appropriations if the estimated
6 total cost of the facility exceeds \$500,000.

7 SEC. 316. All interests created under leases, conces-
8 sions, permits and other agreements associated with the
9 properties administered by the Presidio Trust, hereafter
10 shall be exempt from all taxes and special assessments of
11 every kind by the State of California and its political sub-
12 divisions.

13 SEC. 317. None of the funds made available in this
14 or any other Act for any fiscal year may be used to des-
15 ignate, or to post any sign designating, any portion of Ca-
16 naval National Seashore in Brevard County, Florida, as
17 a clothing-optional area or as an area in which public nu-
18 dity is permitted, if such designation would be contrary
19 to county ordinance.

20 SEC. 318. Of the funds provided to the National En-
21 dowment for the Arts—

22 (1) The Chairperson shall only award a grant
23 to an individual if such grant is awarded to such in-
24 dividual for a literature fellowship, National Herit-

age Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 319. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chair-

1 man. The Chairman shall enter the proceeds in a special
2 interest-bearing account to the credit of the appropriate
3 endowment for the purposes specified in each case.

4 SEC. 320. (a) In providing services or awarding fi-
5 nancial assistance under the National Foundation on the
6 Arts and the Humanities Act of 1965 from funds appro-
7 priated under this Act, the Chairperson of the National
8 Endowment for the Arts shall ensure that priority is given
9 to providing services or awarding financial assistance for
10 projects, productions, workshops, or programs that serve
11 underserved populations.

12 (b) In this section:

13 (1) The term “underserved population” means
14 a population of individuals, including urban minori-
15 ties, who have historically been outside the purview
16 of arts and humanities programs due to factors such
17 as a high incidence of income below the poverty line
18 or to geographic isolation.

19 (2) The term “poverty line” means the poverty
20 line (as defined by the Office of Management and
21 Budget, and revised annually in accordance with sec-
22 tion 673(2) of the Community Services Block Grant
23 Act (42 U.S.C. 9902(2))) applicable to a family of
24 the size involved.

1 (c) In providing services and awarding financial as-
2 sistance under the National Foundation on the Arts and
3 Humanities Act of 1965 with funds appropriated by this
4 Act, the Chairperson of the National Endowment for the
5 Arts shall ensure that priority is given to providing serv-
6 ices or awarding financial assistance for projects, produc-
7 tions, workshops, or programs that will encourage public
8 knowledge, education, understanding, and appreciation of
9 the arts.

10 (d) With funds appropriated by this Act to carry out
11 section 5 of the National Foundation on the Arts and Hu-
12 manities Act of 1965—

13 (1) the Chairperson shall establish a grant cat-
14 egory for projects, productions, workshops, or pro-
15 grams that are of national impact or availability or
16 are able to tour several States;

17 (2) the Chairperson shall not make grants ex-
18 ceeding 15 percent, in the aggregate, of such funds
19 to any single State, excluding grants made under the
20 authority of paragraph (1);

21 (3) the Chairperson shall report to the Con-
22 gress annually and by State, on grants awarded by
23 the Chairperson in each grant category under sec-
24 tion 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the 15 year legally mandated date to revise before or during calendar year 2001; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 322. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 323. None of the funds in this Act may be used to support Government-wide administrative functions un-

1 less such functions are justified in the budget process and
2 funding is approved by the House and Senate Committees
3 on Appropriations.

4 SEC. 324. Notwithstanding any other provision of
5 law, none of the funds in this Act may be used for GSA
6 Telecommunication Centers or the President's Council on
7 Sustainable Development.

8 SEC. 325. None of the funds in this Act may be used
9 for planning, design or construction of improvements to
10 Pennsylvania Avenue in front of the White House without
11 the advance approval of the House and Senate Committees
12 on Appropriations.

13 SEC. 326. Amounts deposited during fiscal year 2000
14 in the roads and trails fund provided for in the fourteenth
15 paragraph under the heading "FOREST SERVICE" of
16 the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501),
17 shall be used by the Secretary of Agriculture, without re-
18 gard to the State in which the amounts were derived, to
19 repair or reconstruct roads, bridges, and trails on National
20 Forest System lands or to carry out and administer
21 projects to improve forest health conditions, which may
22 include the repair or reconstruction of roads, bridges, and
23 trails on National Forest System lands in the wildland-
24 community interface where there is an abnormally high
25 risk of fire. The projects shall emphasize reducing risks

1 to human safety and public health and property and en-
2 hancing ecological functions, long-term forest productivity,
3 and biological integrity. The Secretary shall commence the
4 projects during fiscal year 2001, but the projects may be
5 completed in a subsequent fiscal year. Funds shall not be
6 expended under this section to replace funds which would
7 otherwise appropriately be expended from the timber sal-
8 vage sale fund. Nothing in this section shall be construed
9 to exempt any project from any environmental law.

10 SEC. 327. None of the funds provided in this or pre-
11 vious appropriations Acts for the agencies funded by this
12 Act or provided from any accounts in the Treasury of the
13 United States derived by the collection of fees available
14 to the agencies funded by this Act, shall be transferred
15 to or used to fund personnel, training, or other adminis-
16 trative activities at the Council on Environmental Quality
17 or other offices in the Executive Office of the President
18 for purposes related to the American Heritage Rivers pro-
19 gram.

20 SEC. 328. Other than in emergency situations, none
21 of the funds in this Act may be used to operate telephone
22 answering machines during core business hours unless
23 such answering machines include an option that enables
24 callers to reach promptly an individual on-duty with the
25 agency being contacted.

1 SEC. 329. No timber sale in Region 10 shall be adver-
2 tised if the indicated rate is deficit when appraised under
3 the transaction evidence appraisal system using domestic
4 Alaska values for western red cedar: *Provided*, That sales
5 which are deficit when appraised under the transaction
6 evidence appraisal system using domestic Alaska values
7 for western red cedar may be advertised upon receipt of
8 a written request by a prospective, informed bidder, who
9 has the opportunity to review the Forest Service's cruise
10 and harvest cost estimate for that timber. Program accom-
11 plishments shall be based on volume sold. Should Region
12 10 sell, in fiscal year 2001, the annual average portion
13 of the decadal allowable sale quantity called for in the cur-
14 rent Tongass Land Management Plan in sales which are
15 not deficit when appraised under the transaction evidence
16 appraisal system using domestic Alaska values for western
17 red cedar, all of the western red cedar timber from those
18 sales which is surplus to the needs of domestic processors
19 in Alaska, shall be made available to domestic processors
20 in the contiguous 48 United States at prevailing domestic
21 prices. Should Region 10 sell, in fiscal year 2001, less
22 than the annual average portion of the decadal allowable
23 sale quantity called for in the current Tongass Land Man-
24 agement Plan in sales which are not deficit when ap-
25 praised under the transaction evidence appraisal system

1 using domestic Alaska values for western red cedar, the
2 volume of western red cedar timber available to domestic
3 processors at prevailing domestic prices in the contiguous
4 48 United States shall be that volume: (i) which is surplus
5 to the needs of domestic processors in Alaska; and (ii) is
6 that percent of the surplus western red cedar volume de-
7 termined by calculating the ratio of the total timber vol-
8 ume which has been sold on the Tongass to the annual
9 average portion of the decadal allowable sale quantity
10 called for in the current Tongass Land Management Plan.
11 The percentage shall be calculated by Region 10 on a roll-
12 ing basis as each sale is sold (for purposes of this amend-
13 ment, a “rolling basis” shall mean that the determination
14 of how much western red cedar is eligible for sale to var-
15 ious markets shall be made at the time each sale is award-
16 ed). Western red cedar shall be deemed “surplus to the
17 needs of domestic processors in Alaska” when the timber
18 sale holder has presented to the Forest Service docu-
19 mentation of the inability to sell western red cedar logs
20 from a given sale to domestic Alaska processors at price
21 equal to or greater than the log selling value stated in
22 the contract. All additional western red cedar volume not
23 sold to Alaska or contiguous 48 United States domestic
24 processors may be exported to foreign markets at the elec-
25 tion of the timber sale holder. All Alaska yellow cedar may

1 be sold at prevailing export prices at the election of the
2 timber sale holder.

3 SEC. 330. None of the funds appropriated by this Act
4 shall be used to propose or issue rules, regulations, de-
5 crees, or orders for the purpose of implementation, or in
6 preparation for implementation, of the Kyoto Protocol
7 which was adopted on December 11, 1997, in Kyoto,
8 Japan at the Third Conference of the Parties to the
9 United Nations Framework Convention on Climate
10 Change, which has not been submitted to the Senate for
11 advice and consent to ratification pursuant to article II,
12 section 2, clause 2, of the United States Constitution, and
13 which has not entered into force pursuant to article 25
14 of the Protocol.

15 SEC. 331. Notwithstanding any other provision of
16 law, none of the funds in this Act may be used to enter
17 into any new or expanded self-determination contract or
18 grant or self-governance compact pursuant to the Indian
19 Self-Determination Act of 1975, as amended, for any ac-
20 tivities not previously covered by such contracts, compacts
21 or grants. Nothing in this section precludes the continu-
22 ation of those specific activities for which self-determina-
23 tion and self-governance contracts, compacts and grants
24 currently exist or the renewal of contracts, compacts and

1 grants for those activities or compliance with 25 U.S.C.
2 2005.

3 SEC. 332. In fiscal years 2001 through 2005, the
4 Secretaries of the Interior and Agriculture may pilot test
5 joint permitting and leasing programs, subject to annual
6 review of Congress, and promulgate special rules as need-
7 ed to test the feasibility of issuing unified permits, applica-
8 tions, and leases. The Secretaries of the Interior and Agri-
9 culture may make reciprocal delegations of their respective
10 authorities, duties and responsibilities in support of the
11 “Service First” initiative to promote customer service and
12 efficiency. Nothing herein shall alter, expand or limit the
13 applicability of any public law or regulation to lands ad-
14 ministered by the Bureau of Land Management or the
15 Forest Service.

16 SEC. 333. FEDERAL AND STATE COOPERATIVE WA-
17 TERSHED RESTORATION AND PROTECTION IN COLORADO.
18 (a) USE OF COLORADO STATE FOREST SERVICE.—Until
19 September 30, 2004, the Secretary of Agriculture, via co-
20 operative agreement or contract (including sole source
21 contract) as appropriate, may permit the Colorado State
22 Forest Service to perform watershed restoration and pro-
23 tection services on National Forest System lands in the
24 State of Colorado when similar and complementary water-
25 shed restoration and protection services are being per-

1 formed by the State Forest Service on adjacent State or
2 private lands. The types of services that may be extended
3 to National Forest System lands include treatment of in-
4 sect infected trees, reduction of hazardous fuels, and other
5 activities to restore or improve watersheds or fish and
6 wildlife habitat across ownership boundaries.

7 (b) STATE AS AGENT.—Except as provided in sub-
8 section (c), a cooperative agreement or contract under
9 subsection (a) may authorize the State Forester of Colo-
10 rado to serve as the agent for the Forest Service in pro-
11 viding all services necessary to facilitate the performance
12 of watershed restoration and protection services under
13 subsection (a). The services to be performed by the Colo-
14 rado State Forest Service may be conducted with sub-
15 contracts utilizing State contract procedures. Subsections
16 (d) and (g) of section 14 of the National Forest Manage-
17 ment Act of 1976 (16 U.S.C. 472a) shall not apply to
18 services performed under a cooperative agreement or con-
19 tract under subsection (a).

20 (c) RETENTION OF NEPA RESPONSIBILITIES.—With
21 respect to any watershed restoration and protection serv-
22 ices on National Forest System lands proposed for per-
23 formance by the Colorado State Forest Service under sub-
24 section (a), any decision required to be made under the
25 National Environmental Policy Act of 1969 (42 U.S.C.

1 4321 et seq.) may not be delegated to the State Forester
2 of Colorado or any other officer or employee of the Colo-
3 rado State Forest Service.

4 SEC. 334. None of the funds made available under
5 this Act may be used to issue a record of decision or any
6 policy implementing the Interior Columbia Basin Eco-
7 system Management Project not prepared pursuant to law
8 as set forth in chapter 6 of title 5, United States Code.

9 SEC. 335. None of the funds provided in this Act,
10 for the agencies funded by this Act, shall be expended for
11 the purposes of design, planning or management of Fed-
12 eral Lands as National Monuments that are designated
13 as National Monuments under the 1906 Antiquities Act,
14 since 1999.

15 TITLE IV—FISCAL YEAR 2000 EMERGENCY

16 SUPPLEMENTAL APPROPRIATIONS

17 DEPARTMENT OF THE INTERIOR

18 BUREAU OF LAND MANAGEMENT

19 WILDLAND FIRE MANAGEMENT

20 For an additional amount in fiscal year 2000 for
21 “Wildland Fire Management”, \$200,000,000, to remain
22 available until expended, for emergency rehabilitation and
23 wildfire suppression activities: *Provided*, That the entire
24 amount is designated by Congress as an emergency re-
25 quirement pursuant to section 251(b)(2)(A) of the Bal-

Union Calendar No. 356

106TH CONGRESS
2D SESSION

H. R. 4578

[Report No. 106-646]

A BILL

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

JUNE 1, 2000

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed